IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 9654 of 2005

Between:

G.Srinivas Reddy, s/o Kurma Reddy, Chandraghad (V),

Narva (M), Mahabubnagar District.

... PETITIONER

AND

1 The Joint Collector, Mahabubnagar.
2 The Revenue Divisional Officer, Narayanpet,

Mahabubnagar District.
3 The Mandal Revenue officer, Narva(M),

Mahabubnagar District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus i.e. declaring the order of the first respondent in case No.CS1/105/2005 dated 26-2-2005 as arbitrary, illegal and violative of Art.14, 21 and 300-A of the Constitution of India and consequently set aside the same and pass such other further orders as are necessary in the circumstances of the case.

Counsel for the Petitioner:MR.A.SUDERSHAN REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following :

-

O R D E R:

The petitioner was appointed as Fair Price Shop dealer of Chandraghad village of Narva Mandal, Mahabubnagar District. On the allegation that the petitioner was diverting PDS rice and kerosene oil, The Assistant Supply Officer, Mahabubnagar seized the stock in the shop of the petitioner, and based on the report of the said Officer dated 31.1.2005, the 1st respondent, Joint Collector, issued a show-cause notice to the petitioner on 3.2.2005 calling for his explanation. The petitioner filed his explanation to the show-cause notice. Alleging that without taking into consideration his explanation, the 1st respondent passed the impugned order dated 26.2.2005, ordering suspension of authorization, the petitioner filed the present writ petition.

Heard the learned Counsel for petitioner and the learned Government Pleader for Civil Supplies.

The learned counsel for the petitioner contends that the impugned order has been passed without conducting any enquiry and without taking into consideration his explanation, and the same is violative of principles of natural justice. A perusal of the impugned order dated 26.2.2005 clearly shows that based on the report submitted by the Assistant Supply Officer, the 1st respondent initially issued the show-cause notice, for which the petitioner also submitted his explanation. It is also clear that the impugned order has been passed only after hearing the counsel for the petitioner herein and on perusing the material on record. Therefore, the contention of the learned counsel for the petitioner in this regard is not acceptable, and I see no irregularity or illegality in passing the order impugned.

Further, against the order passed by the Joint Collector, a revision lies with the District Collector. The petitioner without availing the effective remedy of revision provided under the law, approached this court.

With the above observation, the writ petition is dismissed at the stage of admission, leaving it open to the petitioner to approach the revisionary authority. No order as to costs.

27th April 2005

pan

To

1 The Joint Collector, Mahabubnagar.
2 The Revenue Divisional Officer, Narayanpet,

Mahabubnagar District.
3 The Mandal Revenue officer, Narva (M),

Mahabubnagar District.

4 Two C.Cs. to the Govt.Pleader for Civil Supplies,

High Court buildings, Hyderabad (OUT).

5 Two C.D.copies.